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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,218	12/21/2001	Carlton J. Sparrell	BCS03851	3464

43471 7590 11/15/2006

GENERAL INSTRUMENT CORPORATION DBA THE CONNECTED  
HOME SOLUTIONS BUSINESS OF MOTOROLA, INC.  
101 TOURNAMENT DRIVE  
HORSHAM, PA 19044

EXAMINER
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DANG, HUNG Q

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 11/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/032,218	SPARRELL ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Hung Q. Dang	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/17/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

The RE 36,801 reference cited by applicant dated Sept. 17, 2003 is considered in this office action.

### ***Response to Arguments***

Applicant's arguments filed on 10/03/2006 have been fully considered but they are not persuasive.

In pages 10-11, applicant argues, with respect to amended independent claims 1, 9, and 17, that Young fails to disclose or teach the newly added limitation "playing back or displaying a portion of the recorded first program during a "live-pause" operation because Young is a VCR based system and cannot do the function of the newly added limitation and states that dependent claims 2-8, 10-16, and 18-22 are allowable due to their dependence on an allowable base claim.

In response, the examiner respectfully disagrees. As recognized by applicant, Young is a VCR-based system. It is noted that VCR can record, stop recording, reproduce, pause etc. The claimed "live-pause" is anticipated by Young's stop recording function. During the stop recording function, the VCR of Young can be operated in the playback mode. The playback function during stop recording of Young's VCR anticipates the newly added limitation. Thus, the proposed combination of Young and

Samson disclose all the limitations of independent claims 1, 9, and 17 and their dependent claims.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young (US 5,991,498) and Samson, "Technical Information: Digital Signals", 12/1999 (URL: [http://www.samson.de/pdf\\_en/l150en.pdf](http://www.samson.de/pdf_en/l150en.pdf)).

Claim 1 and 9 recite a digital video recording and playback method or system comprising of steps or devices that perform the following functions: receiving a first program, receiving a program guide source comprising program length information about the first program, converting length information to a buffer memory size, establishing a buffer memory matching the size, recording the first program into the buffer memory, and playing back or displaying a portion of the recorded first program during a "live-pause" operation.

Young teaches a method or system for VCR programming comprising of steps or components that do the following functions: receiving a first program (column 3, lines 4-8; column 4, lines 4-7), receiving a program guide source comprising program length information about the first program (column 5, lines 48-51; column 12, lines 44-45;

column 3; lines 13-17), converting length information to a buffer memory size (this is equivalent to programming the VCR in Young - see column 3; lines 28-29), establishing a buffer memory matching the size (which is equivalent to controlling the recording for the duration of the length parameter), recording the first program in the buffer memory (see column 15, lines 4-6), and playing back a portion of the recorded first program during a "live-pause" operation (stop recording, rewind, and playback or displaying using the general VCR functions – column 5, lines 13-15).

Claim 17 is rejected for the same reason as discussed in claim 1.

Claims 2, 3, 10, and 11 recite program length information comprising the scheduled start time and scheduled end time of the first program.

Young teaches a program schedule comprising scheduled start time and end time of the first program (column 3, lines 13-17). The scheduled end time is start time added by the program length.

Claims 4, 12, and 19 recite designating the first program stored in said buffer memory for long-term storage, which is taught by Young under the view that the tape in Young is used as buffer memory and long-term storage.

Claim 5 and 13 recite, if the first program is of indefinite length, the length information comprises as a default, a fixed length, which is taught by Young (column 10, lines 14-16)

Claims 6-8, 14-16, and 20-22 recite releasing established buffer memory from recording the first program and making its memory space available to part of another

buffer memory if needed after or when the first program has been recorded or when a user tunes in to another program or when a user directs that recording be halted.

These steps are equivalent to reuse of recorded tapes in Young under corresponding circumstances.

Claim 18 recites a buffer memory having size set to one of a plurality of fixed sizes to match an estimated size of the first program.

Young teaches buffer memory size being one of plurality of fixed size by setting estimated recording time to nearest 15 minutes or 30 minutes (see column 8; lines 10-55).

Young do not teach digital programs or signals.

Samson, "Technical Information: Digital Signals", 12/1999. (URL: [http://www.samson.de/pdf\\_en/I150en.pdf](http://www.samson.de/pdf_en/I150en.pdf)) teaches that digital technology is increasingly being used because, in various applications, digital signal transmission has many advantages over analog signal transmission and that the some advantages of digital signal processing are: high interference immunity, easy data storage, flexible processing, and various transmission options.

One of ordinary skill in the art at the time the invention was made would have been motivated to incorporate the concept of using digital signal processing taught by Samson in the method of VCR programming taught by Young because, as said above, digital signal transmission has many advantages over analog signal transmission and that the some advantages of digital signal processing are: high interference immunity, easy data storage, flexible processing, and various transmission options. One of

ordinary skill in the art at the time the invention was made would have had a reasonable expectation of combining the method of VCR programming taught by Young with the digital processing concept by well known steps of conversion from analog to digital and from digital to analog (see Samson above).

Therefore the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

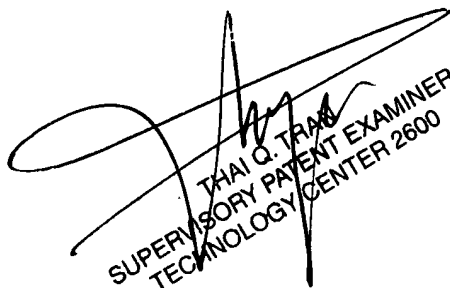
**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hung Q. Dang whose telephone number is 571-270-1116. The examiner can normally be reached on M-Th:7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hung Dang  
Patent Examiner



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